

*Electronically Filed on
December 14, 2006*

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Charles B. Anderson Trust; Rita P. Anderson
Trust; Baltes Company; Kehl Family Members;
Judith L Fountain Irrevocable Trust Dated
8/26/97; and Mojave Canyon, Inc.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC, Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC, Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:
☒ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**AMENDED JOINDER IN
OBJECTION TO CONFIRMATION
OF DEBTORS' THIRD AMENDED
JOINT CHAPTER 11 PLAN OF
REORGANIZATION AS IT
APPLIES TO DEBTOR USA
COMMERCIAL MORTGAGE
COMPANY FILED BY THE
LENDERS PROTECTION GROUP
(AFFECTS ALL DEBTORS)**

Hearing Date: December 19, 2006
Hearing Time: 10:00 a.m.

The Objecting JV Creditors, Robert J. Kehl, Ruth Ann Kehl, Daniel J. Kehl, Kehl
Development, Kevin Kehl, Kevin Kehl for Susan L. Kehl, Kevin Kehl for Andrew Kehl, Warren
Hoffman Family Investments, LP, Judy A. Bonnet, Robert A. Kehl and Tina M. Kehl, Krystina L.
Kehl, Christina M. Kehl, Kevin McKee, Cynthia Winter, Charles B. Anderson Trust, Rita P.

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1 Anderson Trust, Baltes Company, Judith L Fountain Irrevocable Trust Dated 8/26/97, and Mojave
2 Canyon Inc., by and through their counsel, Janet L. Chubb, Esq., and Louis M. Bubala III, Esq., of
3 Jones Vargas, hereby incorporate, as if set forth herein, and join in the Objection to Confirmation
4 of Debtors' Third Amended Joint Chapter 11 Plan of Reorganization as it Applies to Debtor USA
5 Commercial Mortgage Company filed by The Lenders Protection Group on December 11, 2006.

6 However, the Objecting JV Creditors do not urge that the Plan be modified but request
7 that the setoff rights of direct lenders be preserved. The Objecting JV Creditors also do not object
8 to the sale of the loan packages to Compass so long as it is clear that there is no assumption and
9 assignment that would suggest there has been a cure of the USACM defaults.

10 DATED this 14th day of December, 2006.

11 JONES VARGAS

12 By: //s// Janet L. Chubb
13 JANET L. CHUBB, ESQ.
14 LOUIS M. BUBALA, ESQ.

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CERTIFICATE OF SERVICE

1. We filed and served the following document(s) on December 14, 2006:

**AMENDED JOINDER IN OBJECTION TO CONFIRMATION
OF DEBTORS' THIRD AMENDED JOINT CHAPTER 11 PLAN OF
REORGANIZATION AS IT APPLIES TO DEBTOR USA
COMMERCIAL MORTGAGE COMPANY FILED BY THE
LENDERS PROTECTION GROUP**

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2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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9 b. **United States mail, postage fully prepaid** (list persons and addresses):

9 c. **Personal Service** (list persons and addresses):
 I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at

the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

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- 9 e. **By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

- 9 f. **By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed blow and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

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I declare under penalty of perjury that the foregoing is true and correct.

DATED this 14th day of December, 2006.

Cheryl Byrne
Name

//s// Cheryl Byrne
Signature

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